

JUN 05 2007

REMARKS

An Office Action was mailed March 6, 2007. This response is timely. Any fee due with this paper, including any necessary extension fees, may be charged on Deposit Account 50-1290.

Summary

Claims 1-12 were pending at the time of examination.

By the foregoing, for clarity, claims 1-12 are cancelled, and new claims submitted. No new matter has been added. All claims are well supported by the specification at least at pages 5, lines 13, 19-20, and the specification as a whole.

Rejection under 35 U.S.C. §102(b) in view of Keyes

Claims 1-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,500,952 to Keyes. The rejection is respectfully traversed with respect to the new claims.

Keyes does not teach, disclose, or suggest the claimed invention. The presently claimed invention of claims 13 and 14 is a garment having as part of the garment airbags (claim 13) or a plurality of means for active protection (claim 14) of the upper body of the wearer.

As now claimed the garment comprises a jacket, which affords comfortable wear as well as correct positioning of the airbags or plurality of means for active protection for users who are highly active. The claimed invention provides advantages to these users not before seen and who as the specification at pg. 1, lines 6-12 make clear have been underserved.

In contrast, Keyes teaches a belt 12 worn at the waist to protect the lower body of elderly patients. Keyes teaches that it is worn "positioned so as to completely surround the hips, pelvis, buttocks, and coccyx areas." Col. 3, lines 60-62.

Therein, Keyes clearly fails to grasp the different needs of active users as the presently claimed invention is aimed at and which subject matter is claimed. Keyes does not teach, disclose, or suggest protection for the upper part of the body and which protection extends from one side to the other side of the chest above the sternum. This provides superior protection to the rib cage of a wearer for whom such protection is desperately needed. Please see pg. 1, lines 6-12 of the specification.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

Rejection under 35 U.S.C. §102(b) in view of DeMarco

Claims 1, 3-6, and 11-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,977,623 to DeMarco. The rejection is respectfully traversed with respect to the new claims.

As now claimed more clearly, the present invention includes that *"the plurality of means for active protection of the upper part of the body comprises a single active protection means which extends from one side to the other of a chest above the sternum."* Please see Fig. 5 and 7.

By having a single active protection means which extends from one side to the other of a chest above the sternum no gaps in the protection are present which eliminates the possibility of injury in the gap. Furthermore, the protection as claimed permits easier and cheaper manufacturing of the garment.

DeMarco does not teach, disclose, or suggest the claimed invention. In fact, DeMarco teaches away from the claimed invention. DeMarco teaches a pair of individually inflatable bags 12. The specification of DeMarco is silent as to their placement; however, as is abundantly clear from a review of the drawings in the patent, DeMarco intends to use multiples bags in the front leaving a suitable gap between the protection to permit a zipper to be placed there. Thus, DeMarco fails to grasp the needs of active users or the claimed invention.

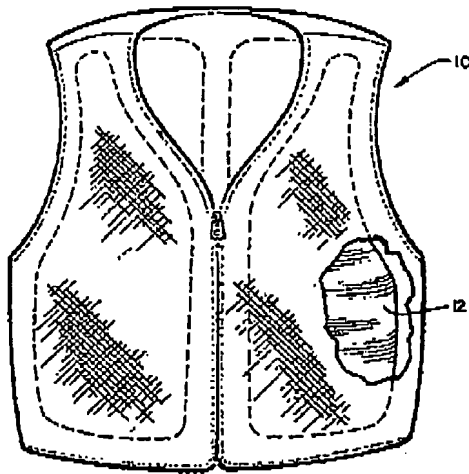


Fig. 1 of DeMarco

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

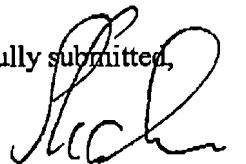
Accordingly, the Examiner is respectfully requested to withdraw the rejections for the reasons given.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for examination and ready passage to allowance, which is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for examination or allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, including any necessary extension fees, may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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